

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 24b	- 505
Changed to Admin. Code Ref. (R no.):	R	-	-

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Debra Hobbins	801-530-6789	801-530-6511	dhobbins@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):
	Trigger point dry needling - Education and experience required - Registration
3.	Type of notice:
	New ____; Amendment XXXX; Repeal ____; Repeal and Reenact ____
4.	Purpose of the rule or reason for the change:
	H.B. 367 was passed during the 2014 Legislative Session. The Division, in collaboration with the Physical Therapist Licensing Board, was charged with establishing criteria for approving a trigger point dry needling course as described in Subsection 58-24b-505(1)(b), and any additional requirements deemed necessary to practice trigger point dry needling procedures by physical therapists.
5.	This change is a response to comments from the Administrative Rules Review Committee.
	No XXX; Yes ____
6.	Summary of the rule or change:
	Section 505, paragraph (1) is being added to the rule to establish the criterion for Division approval of a trigger point dry needling course. A course will be approved by the Division if it includes the hours and treatment sessions specified in Section 58-24b-505 and receives approval from the Utah Physical Therapy Association, American Physical Therapy Association or Federation of State Boards of Physical Therapy. Paragraph (2) is added to establish general supervision as the level of supervision required during the 250 supervised trigger point dry needling patient treatment sessions. Paragraph (3) is added to identify requirements for a licensed health care provider to supervise a physical therapist providing 250 trigger point drug needling patient treatment sessions as part of a Division-approved course.

7.	Aggregate anticipated cost or savings to: A) State budget: Affected: No ____; Yes XXX <p>The Division will incur minimal costs of approximately \$50.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. As a result of recent legislative changes which allow trigger point dry needling practice by physical therapists, the Division anticipates receiving applications from physical therapists desiring registration to practice this new procedure; however, the Division is unable to quantify an associated potential costs as a result of those new applications being submitted and processed by the Division.</p> B) Local government: Affected: No XXXX; Yes ____ <p>The proposed amendments only apply to the segment of licensed physical therapists desiring registration to practice trigger point dry needling procedures and to the licensed health care providers who may supervise the course-related patient treatment sessions. As a result, the proposed amendments do not apply to local governments.</p> C) Small businesses ("small business" means a business employing fewer than 50 persons): Affected: No XXX; Yes ____ <p>The proposed amendments only apply to licensed physical therapists desiring registration to practice trigger point dry needling procedures and supervising licensed health care providers who may supervise the course-related patient treatment sessions. Licensees and supervisors may work in a small business; however, the proposed amendments would not directly affect the business.</p> D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency): Affected: No ____; Yes XXX <p>Individual patients of physical therapists registered to provide trigger point dry needling procedures may benefit from the availability of a treatment modality that was heretofore unavailable to them. The Division is unable to quantify potential costs or cost savings to individual patients resulting from the availability of this treatment modality due to a wide range of circumstances.</p>							
8.	Compliance costs for affected persons: <p>(Physical therapists desiring to obtain registration to practice trigger point dry needling procedures will need to enroll in, and successfully complete, a Division-approved course that includes 54 hours of in-person instruction and 250 supervised patient treatment sessions. A course of this rigor will undoubtedly carry a significant tuition cost, through participation is voluntary and will grant an expanded scope of practice not previously available to physical therapists until the recent passage of H.B. 367. A licensed health care provider providing supervision for the 250 patient treatment sessions may charge a fee for this supervision, to be paid by the enrolled student. In addition, the employment hours of a physical therapist enrolled in such a rigorous course may need to be reduced for the individual to complete the course requirements. The tuition, potentials supervisor fees, and reduction in employment hours could have a significant negative financial impact on a physical therapist who chooses to enroll in a dry needling course. As a result of a wide range of varying circumstances, the Division is unable to quantify these potential costs.</p>							
9.	A) Comments by the department head on the fiscal impact the rule may have on businesses: <p>This filing responds to Legislative action (H.B. 367, 2014 Legislative Session) requiring that rules be implemented to govern education and supervision in respect to dry needling therapy. Any costs to businesses will be incidental to the business's employment of licensed physical therapists, are anticipated to be minimal, and were considered by the Legislature in determining to regulate the practice of dry needling.</p> B) Name and title of department head commenting on the fiscal impacts: <p>Francine A. Giani, Executive Director</p>							
10.	This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws. State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) : <table border="1"> <tr> <td>Section 58-24b-101</td> <td>Subsection 58-1-106(1)(a)</td> </tr> <tr> <td>Subsection 58-1-202(1)(a)</td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </table>		Section 58-24b-101	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)			
Section 58-24b-101	Subsection 58-1-106(1)(a)							
Subsection 58-1-202(1)(a)								

11.	This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i>):		
	First Incorporation	Second Incorporation	
	Official Title of Materials Incorporated (from title page)		
	Publisher		
	Date Issued		
	Issue, or version		
	ISBN Number (optional)		
	ISSN Number (optional)		
	Cost of Incorporated Reference		
	Action: Adds, updates, or removes		
	(If this rule incorporates more than two items by reference, please attach additional pages)		
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):	08/14/2014	
	B) A public hearing (optional) will be held:		
	On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
13.	This rule change may become effective on (mm/dd/yyyy):	08/21/2014	
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
	licensing	physical therapy	
	physical therapist	physical therapist assistant	
15.	Attach an RTF document containing the text of this rule change (filename):	R156-24b.pro2	
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel by W. Ray Walker, Acting Director	Date (mm/dd/yyyy):	06/26/2014

R156. Commerce, Occupational and Professional Licensing.

R156-24b. Physical Therapy Practice Act Rule.

R156-24b-505. Trigger point dry needling - Education and experience required - Registration.

(1) A course approved by one of the following organizations meets the standards of Section 58-24b-505 if it includes the hours and treatment sessions specified in Section 58-24b-505:

(a) Utah Physical Therapy Association (UPTA);

(b) American Physical Therapy Association (APTA); or

(c) Federation of State Boards of Physical Therapy (FSBPT).

(2) The level of supervision required during the course established under Section 58-24b-505 is general supervision, as defined in R156-1-102a(4)(c).

(3) General supervision shall be provided by a licensed health care provider who:

(a) has a scope of practice that includes dry needling; and

(b) can demonstrate two years of dry needling practice techniques.

KEY: licensing, physical therapy, physical therapist, physical therapist assistant

Date of Enactment or Last Substantive Amendment: June 23, 2014

Notice of Continuation: November 15, 2011

Authorizing, and Implemented or Interpreted Law: 58-24b-101; 58-1-106(1)(a); 58-1-202(1)(a)